

SENATE BILL 1451

By Overbey

AN ACT to amend Tennessee Code Annotated, Section 35-5-117, relative to the notice of the right to foreclose.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 35-5-117(i), is amended by deleting the words “set forth in any notice of foreclosure and” and by deleting the period at the end of the sentence and by substituting instead “, but giving of the notice of the right to foreclose shall not be required to be set forth in any notice of foreclosure.”

SECTION 2. Tennessee Code Annotated, 35-5-117, is amended by adding the following as a new subsection thereto:

(k) No written notice shall be required under this section if the lender, trustee, or agent thereof has, within one hundred and eighty (180) days prior to publishing notice of foreclosure, met with the principal debtor in-person to review the loan and advised the debtor that failure to meet the loan obligations may result in foreclosure proceedings. For purposes of this subsection (k), a sworn affidavit by the lender, trustee, or agent thereof stating the time and place of the meeting with the debtor shall be conclusive proof of exemption from the written notice required by this section. However, in lieu of a sworn affidavit, a document signed by both the lender, trustee, or agent thereof and the debtor evidencing the meeting shall be conclusive proof.

SECTION 3. Tennessee Code Annotated, Section, 35-5-117(h)(4), is amended by deleting the word “before” and by substituting instead the word “after.”

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.